

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
SEPTEMBER 6, 2007

CALL TO ORDER: The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers of the Community Meeting Center.

PRESENT: VICE CHAIR PIERCE
COMMISSIONERS BANKSON, BEARD, BRIETIGAM,
NGUYEN, PAK

ABSENT: Chair Chi.

Chair Chi joined the meeting at 7:05 p.m.

ALSO PRESENT: Omar Sandoval, Assistant City Attorney; Karl Hill, Planning Services Manager; Lee Marino, Senior Planner; Maria Parra, Associate Planner; Sergeant Kevin Boddy, Police Department; Dan Candelaria, Civil Engineer; Judith Moore, Recording Secretary.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the Flag of the United States of America was led by Commissioner Beard and recited by those present in the Chamber.

ORAL COMMUNICATIONS: None.

APPROVAL OF MINUTES: Vice Chair Pierce moved to approve the Minutes of August 16, 2007, seconded by Commissioner Brietigam. The motion carried with the following vote:

AYES: COMMISSIONERS: BANKSON, BEARD, BRIETIGAM, CHI,
NGUYEN, PAK, PIERCE

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

PUBLIC HEARING: SITE PLAN NO. SP-428-07
APPLICANT: KHANH QUOC DANG
LOCATION: EAST SIDE OF TAFT STREET, NORTH OF WESTMINSTER AVENUE AT 13892
TAFT STREET
DATE: SEPTEMBER 6, 2007

REQUEST: To construct a two-story residential duplex that has a combined living area of 2,760 square feet, with two (2) attached, 434 square foot, two-car enclosed garages for each unit, on a 7,205 square foot lot. The site is in the R-3 (Multiple-Family Residential) zone.

Staff report was read and recommended approval.

Chair Chi opened the public hearing to receive testimony in favor of or in opposition to the request.

Mr. Lamtruc Nguyen, the architect, approached the Commission.

Chair Chi asked Mr. Nguyen if he had read and agreed with the Conditions of Approval. Mr. Nguyen replied yes.

There being no further comments, the public portion of the hearing was closed.

Chair Chi asked staff what was currently on the site and have similar projects been approved before as the area seems to be tight. Staff replied that a single-family home occupies the site and that the driveway is not counted in the building coverage, which is 34 percent with the maximum being 50 percent.

Commissioner Brietigam asked staff if there was an agreement citing which party is responsible for maintenance. Staff replied that the property has one owner who is responsible for the maintenance of both units; however, if the units were later to be converted into condominiums, the Department of Real Estate would require CC & R 's recorded on the property.

Commissioner Pak moved to approve Site Plan No. SP-428-07, seconded by Vice Chair Pierce, pursuant to the facts and reasons contained in Resolution No. 5611. The motion received the following vote:

AYES:	COMMISSIONERS:	BANKSON, BEARD, BRIETIGAM, CHI, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC HEARING:	SITE PLAN NO. SP-424-07 TENTATIVE PARCEL MAP NO. PM-2007-143 VARIANCE NO. V-162-07
APPLICANT:	CHAU HAN
LOCATION:	SOUTHWEST CORNER OF CHAPMAN AVENUE AND LORNA STREET AT 12013 LORNA STREET
DATE:	SEPTEMBER 6, 2007
REQUEST:	To subdivide an 18,077 square foot lot into two (2) parcels, Lot 1 will have a lot size of 8,700 square feet and Lot 2 will have a lot size of 7,839 square feet; Variance approval is required to allow Lot 2 to deviate from the minimum 60'-0" lot width requirement. The existing single-family home will remain on Lot 1, and a new two-story single-family home will be constructed on Lot 2. The site is in the R-1 (Single-Family Residential) zone.

Staff report was read and recommended approval.

Commissioner Pak asked staff if a fence would be built between the two units. Staff replied yes, that the fence would be a six-foot wall.

Chair Chi asked staff if there were similar lots in the City and to explain the Variance request. Staff replied that there are only a few similar projects, and that for Lot 2, the minimum lot width requirement is 65 feet;

however, with the ten-foot right-of-way street dedication for future street widening, the property width would be reduced to a 55-foot width, and thus the project requires a Variance.

Commissioner Bankson asked staff when the street widening would occur. Staff responded that the widening would not be in the immediate future, however, it is standard procedure to acquire the right-of-way when subdivisions come forward, so that in time, the Master Plan and General Plan can be fulfilled.

Commissioner Beard asked staff to explain the sewer issue. Staff commented that the applicant understands that new development cannot occur until the sewer deficiency has been completed around mid 2008.

Vice Chair Pierce asked staff if the applicant would have to come back to Planning Commission if the upgrade was not completed by mid 2008. Staff replied that as long as the applicant has the plans submitted and Tentative Parcel Map recorded, he would not have to come back for a re-application or extension.

Chair Chi opened the public hearing to receive testimony in favor of or in opposition to the request.

Ms. Chau Han, the applicant, approached the Commission.

Chair Chi asked Ms. Han if she had read and agreed with the Conditions of Approval. Ms. Han replied yes.

Commissioner Beard asked Ms. Han to explain the construction activity at the existing house. Ms. Han replied that the construction is improvement of the existing home so that the family can move in; and that they own the property immediately to the south, however, there are no plans to develop that property yet.

There being no further comments, the public portion of the hearing was closed.

Commissioner Pak commented that there are exceptional circumstances to warrant a Variance; that there are property rights to consider; and that the project would be the best use of the property. Commissioners Beard and Chi concurred.

Commissioner Brietigam moved to approve Site Plan No. SP-424-07, Tentative Parcel Map No. PM-2007-143, and Variance No. V-162-07, seconded by Commissioner Pak, pursuant to the facts and reasons contained in Resolution No. 5599. The motion received the following vote:

AYES:	COMMISSIONERS:	BANKSON, BEARD, BRIETIGAM, CHI, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC

HEARING: SITE PLAN NO. SP-429-07
VARIANCE NO. V-163-07
APPLICANT: JESSICA MYERS
LOCATION: SOUTHWEST CORNER OF GARDEN GROVE BOULEVARD AND EUCLID
STREET AT 11162 GARDEN GROVE BOULEVARD
DATE: SEPTEMBER 6, 2007

REQUEST: To construct an approximately 3,812 square foot multi-tenant commercial building on an approximately 18,263 square foot vacant lot, with associated parking and landscape improvements, in conjunction with Variance requests for reduced building setbacks and to develop a lot that does not meet the minimum lot size and street frontage requirements. The site is in the CCSP-CC44 (Community Center Specific Plan-Community Commercial District 44) zone.

Staff report was read and recommended approval. Modifications to Condition Nos. 5 and 29 were submitted as handouts. One letter of opposition was written by Patricia Stark.

Commissioner Chi asked staff if the project was ADA compliant. Staff replied yes.

Commissioner Bankson asked staff if the Variance is proposed because no other land could be acquired. Staff replied yes.

The Commissioners asked staff to explain the parking. Staff replied that an agreement could not be made with regard to reciprocal parking, therefore, the project's parking is separated from the shopping center parking. Also, that parking is based on the building size, not the property, and that within the Specific Plan, the building can have 19 parking spaces. Staff also pointed out that there would be temporary landscaping in the right-of-way dedication, and that the site is environmentally clean.

Chair Chi asked staff to explain why a new project has come up for approval for this site. Staff replied that though earlier meetings had been held with another potential applicant to discuss preliminary site plans, those site plans were not pursued or pushed forward.

Chair Chi opened the public hearing to receive testimony in favor of or in opposition to the request.

Mr. Aaron Swerdlow, the applicant, approached the Commission and described the project adding that his company has recently specialized in street corner development.

Commissioner Beard asked Mr. Swerdlow to describe the typical tenants for these corner projects. Mr. Swerdlow responded that typical users might be coffee houses, quick service restaurants, financial institutions, and retail, such as Panda Express, Baja Fresh, Starbuck's, banks, and cellular retailers.

Chair Chi asked the applicant to explain the reasons for not obtaining a reciprocal parking agreement. Mr. Swerdlow replied that he had met with the adjacent shopping center owners and that they were not interested as they were possibly interested in purchasing the property themselves.

Commissioner Pak asked the applicant if there would be a cover on the outdoor seating area. Mr. Swerdlow replied yes, along with a trellis, a decorative floor, and landscaping, to create a sense of space; that the seating is not too close to the curb as there is a sidewalk; and that the idea is to create pedestrian retail.

Chair Chi asked Mr. Swerdlow if he had read and agreed with the Conditions of Approval. Mr. Swerdlow replied yes.

Mr. Robert H. Main approached the Commission and stated that at previous site plan meetings with City staff, the City had insisted on a three-story building, and ultimately, the site plan was not pursued; that there is no competition for the land; that the adjacent shopping center has well-paying tenants; and that the market has a flourishing business.

Ms. Patricia Stark, architect for the adjacent property owner, approached the Commission and stated that the adjacent property owner had been interested in the vacant lot and had met with City staff; that staff requested a three-story building along with a 12-foot right-of-way on Garden Grove Boulevard and Euclid Street; that the owner was told he should pay for the future street realignment; that landscaping had been a 12-foot strip and this project is allowed six feet of landscaping; that her client had also wanted to develop a separate building with separate parking from the existing commercial center; that they were not told of the mass-transit aspects; that any corner development would affect her client's property; and that the plan shows two driveways that are close to each other.

Mr. Vu Mai approached the Commission and expressed his concerns with the types of tenants for the project; parking for employees and tenants; handicap spaces; the location of the trash enclosure; and the direction the enclosure is facing as there could be pests and unpleasant odors.

Mr. Michael Phan, a patron of the area, expressed his concerns with regard to the type of tenants; the number of parking spaces; traffic peak times; and drive ways.

Mr. Ken Bui, owner of the Dalat supermarket, approached the Commission and stated that he had paid over \$300,000 to provide parking at the rear of the supermarket; that the business is growing; that 19 parking spaces for the new project would not be enough; and that he has another property that does have parking problems.

Chair Chi asked Mr. Bui if he attended the reciprocal parking agreement meeting with the applicant. Mr. Bui replied no.

Mr. Swerdlow distributed photographs exhibiting the current parking situation on his vacant lot. He also stated that the adjacent center is not his responsibility; that people are illegally parking on his vacant lot; that development ideas change; that the past proposals of a year ago are irrelevant; that the overall center should be improved; that any environmental issues with regard to remediation would be resolved; and that the driveway situation would be improved.

Vice Chair Pierce asked the applicant if a wall would separate the properties. Mr. Swerdlow replied no; and that the trash would have an enclosure.

Commissioner Pak asked the applicant to explain the photographs. The applicant responded that the photos show his property and the property surrounding the project.

Commissioner Pak asked the applicant to state the number of outdoor seating seats. The applicant deferred to staff. Staff stated that the seating is conditioned that each tenant space could not have more than 16 seats and 300 square feet of dining area, which would include the outdoor area.

Commissioner Pak asked the applicant if he was sure that the cars parked on his lot are from the adjacent shopping center as there is a university across the street with students also looking for parking. The applicant stated that he is not sure.

There being no further comments, the public portion of the hearing was closed.

Commissioner Pak commented that people do the best that they can with what they have; that the adjacent property owner made the shopping center come alive; that students look for parking too; that the Civic Center area is excellent for a different type of corner building other than the applicant's, perhaps with underground parking.

Commissioners Breitigam and Beard agreed that though the project is an improvement, there would be parking problems.

Staff added that per code, and if fast food tenants maintained the 300 square foot dining area and no more than 16 seats, the project could accommodate parking for three fast food tenants.

Vice Chair Pierce commented that the project would improve the corner.

Commissioner Nguyen commented that the project would be great for the corner; however, there would be parking issues.

Chair Chi commended the applicant for his persuasive presentation and added that the project would be an improvement; that parking would be an issue; that there are no reciprocal agreements; that the project meets code; that people would walk over the landscaping that separates the two properties; that circulation is an issue for the adjacent property owner; and that he would support the project.

Commissioner Bankson commented that both owners would have parking problems; that tenant peak times could be different; that the applicant should not be penalized; that the project is an attractive improvement; and that he would support the project.

Commissioner Nguyen commented that an office use, that would be open Monday through Friday, would be a good use as the market is packed on Saturday and Sunday.

Commissioner Pak asked staff to state the setback on the north side of Garden Grove Boulevard. Staff stated approximately 15 feet.

Commissioner Pak commented that the project's six-foot setback would be a safety issue as there is no bike lane; that there are too many Variances on the project; and that he could not support the project.

Vice Chair Pierce moved to approve Site Plan No. SP-429-07, and Variance No. V-163-07, with the modifications to Condition Nos. 5 and 29, seconded by Commissioner Bankson, pursuant to the facts and reasons contained in Resolution No. 5612. The motion received the following vote:

AYES:	COMMISSIONERS:	BANKSON, CHI, PIERCE
NOES:	COMMISSIONERS:	BRIETIGAM, BEARD, PAK
ABSENT:	COMMISSIONERS:	NONE
ABSTAIN:	COMMISSIONERS:	NGUYEN

With the motion failed by a three-three vote, staff commented that an alternative motion could be entertained, though if there was not an alternative motion, the project would be deemed denied; however, the applicant could appeal to City Council.

At 8:40 p.m., the meeting was paused for a break and reconvened at 8:50 p.m.

City Attorney, Omar Sandoval, disclosed that during the break, he had discussions with some of the Planning Commissioners with regard to 'yes, no, and abstain' motions; that it is a good idea to explain each motion should the case be appealed and go on to City Council or some other agency for review; that by doing this, there would be a record of the Commissioner's deliberations; that the City allows for reconsideration before the meeting is over; and that a tie vote would be considered a denial.

Chair Chi suggested an alternative motion to continue the case to a date certain, such as the next regularly scheduled Planning Commission meeting on Thursday, September 20th, 2007.

Commissioner Bankson moved to continue the case to a date certain, seconded by Vice Chair Pierce.

Chair Chi reopened the public hearing.

The applicant approached the Commission and stated that the date of September 20th, 2007 was acceptable; that he would be happy to add a parking space to 'over-park' the project, to increase the setback on Euclid Street by removing the patio, and to limit the building's food uses to 60 percent; and that subterranean parking would be cost prohibitive.

Commissioner Beard asked staff if the time frame was acceptable. Staff replied yes; that a revised plan would be required by the following Monday, and the building size would need to be reduced by at least 400 square feet.

Commissioner Pak asked staff to explain partial subterranean parking. Staff replied that subterranean parking is not recommended for small lots; that a high water table might cause problems with associated high costs; and that there would be Fire Department issues.

There being no further comments, the public portion of the hearing was closed.

Commissioner Brietigam expressed that he had issues with the six-foot setback; parking; and that there were three businesses instead of two.

Commissioner Beard commented that his issues were with parking; and that with modifications from the applicant to mitigate the issues, he would like to continue the project.

Vice Chair Pierce asked staff if there was a date certain to widen Euclid Street. Staff replied no.

Commissioner Nguyen expressed his concerns with the setback; parking; the future expansion of the businesses; and that he has no conflict of interest for abstaining.

Commissioner Bankson commented that the project should not be denied on the basis of parking only as the project meets code.

Commissioner Pak asked staff what would be the number of parking spaces if the building were not 750 feet within a bus stop? Staff replied 20.

Commissioner Pak commented that he liked the applicant's willingness to compromise; that overflow parking would be a concern; that with an improvement in the setbacks, a reduction of building size, and working with adjacent shopping center, he would like to continue the project.

Commissioner Nguyen commented that he loves the project, and though the project meets code, the future needs to be considered.

Chair Chi remarked that the project would enhance the street corner; that the project should be integrated into the greater shopping center; and that the new project would benefit from the existing shopping center.

Commissioner Bankson moved to continue the case to the Thursday, September 20th, 2007, Planning Commission meeting, seconded by Vice Chair Pierce. The motion received the following vote:

AYES:	COMMISSIONERS:	BANKSON, BEARD, BRIETIGAM, CHI, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC
HEARING:

NEGATIVE DECLARATION
PLANNED UNIT DEVELOPMENT NO. PUD-112-06
SITE PLAN NO. SP-399-06
VARIANCE NO. V-142-06

APPLICANT: TENTATIVE TRACT MAP NO. TT-17036
8641 GARDEN, LLC
LOCATION: NORTHEAST CORNER OF GARDEN GROVE BOULEVARD AND ADELLE
STREET AT 8641 GARDEN GROVE BOULEVARD
DATE: SEPTEMBER 6, 2007

REQUEST: To approve a one-year time extension for the approved entitlements under Site Plan No. SP-399-06, Variance No. V-142-06, and Tentative Tract Map No. TT-17036. The site is in the Planned Unit Development No. PUD-112-06 zone.

Staff report was read and recommended approval.

Commissioner Pak asked staff if this extension would need to go to City Council again. Staff replied no, as there is no Development Agreement; that the reason for the extension is in regard to site contamination; and that after this extension expires, the applicant would need to re-file.

Chair Chi opened the public hearing to receive testimony in favor of or in opposition to the request.

Mr. Nick Frudakis, the applicant, approached the Commission and described the reasons for his extension request; that the site contamination abatement has improved; that he needs approximately three more months to stop remediation; and that the contaminant is from an adjacent dry cleaners business that closed 20 years ago.

There being no further comments, the public portion of the hearing was closed.

Commissioner Beard moved to approve the one-year time extension for Planned Unit Development No. PUD-112-06, Site Plan No. SP-399-06, Variance No. V-142-06, and Tentative Tract Map No. TT-17036, seconded by Commissioner Pak, pursuant to the facts and reasons contained in Resolution No. 5613. The motion received the following vote:

AYES:	COMMISSIONERS:	BANKSON, BEARD, BRIETIGAM, CHI, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

MATTERS FROM COMMISSIONERS: Commissioner Pak thanked staff for taking care of the sidewalk crack on Linda Lane and Acacia Parkway. He also proposed to adjourn the meeting in memory of George Allen, the City's Traffic Engineering Supervisor.

Commissioner Brietigam commented that the City has improved the west Garden Grove City entrance with a new monument sign.

MATTERS FROM STAFF: Staff read a brief description of future Agenda items for the September 20, 2007 Planning Commission meeting.

ADJOURNMENT: The meeting was adjourned at 9:25 p.m. with a moment of silence in memory of George Allen, who was an employee of the City for 12 years.

JUDITH MOORE
Recording Secretary